

**FOLEY**

FOLEY &amp; LARDNER LLP

**MEMO ENDORSED**

March 26, 2008

ATTORNEYS AT LAW

90 PARK AVENUE  
NEW YORK, NY 10016-1314  
212.682.7474 TEL  
212.687.2329 FAX  
foley.com**VIA FEDERAL EXPRESS**Hon. Richard M. Berman  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007Re: *Salta International, Inc., v. Lands End, Inc.*, 08 Civ. 2973 (RMB)

Dear Judge Berman:

We represent Defendant Lands' End, Inc. ("Land's End") in the above-captioned case and we write pursuant to Your Honor's Individual Practices for Pre-Motion Conference. We intend to file a motion seeking the dismissal of the action.

Briefly stated, Plaintiff asserts claims against Land's End relating to certain purchase orders for garments sold by Land's End. However, pursuant to Section 21(E) of the agreement between the parties entitled Lands' End Terms And Conditions For Purchase Orders (the "Agreement"), any such claims can only be brought in the state or federal courts covering Dodgeville, Wisconsin:

"All legal rights, regardless [of] the nature of the claim (including any contractual rights under this Agreement and any [Purchase] Order) shall be governed by and in accordance with the laws of the State of Wisconsin....[Plaintiff] hereby consents to the exclusive venue and jurisdiction for the resolution of any such claims in the state and federal courts covering Dodgeville, Wisconsin, and agrees that it shall initiate no claim of any kind against Lands' End in any other court or forum."

Although under F.R.C.P. 81(c) our time to file the motion to dismiss is within 5 days of removal, we understand that pursuant to Your Honor's Individual Practices, the time period for making such a motion is extended until after a pre-motion conference has been held.

Respectfully submitted,

*Robert A. Scher*

Robert A. Scher, Esq.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED

DATE FILED: 3/27/08

cc: Michael H. DuBoff, Esq. (via Federal Express)

BOSTON  
BRUSSELS  
CENTURY CITY  
CHICAGO  
DETROITJACKSONVILLE  
LOS ANGELES  
MADISON  
MIAMI  
MILWAUKEENEW YORK  
ORLANDO  
SACRAMENTO  
SAN DIEGO  
SAN DIEGO/DEL MARSAN FRANCISCO  
SHANGHAI  
SILICON VALLEY  
TALLAHASSEE  
TAMPATOKYO  
WASHINGTON, D.C.

Returned to chambers for scanning on 4/2/08  
Scanned by chambers on 4/3/08

NYC\_216083.1